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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

Patent Nos.: 7,154,214 and 7,159,214	Re: Request for Refund of Maintenance Fee Payment Under 37 C.F.R. §1.377
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JUL 19 2010

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.377 – REQUEST FOR REFUND OF
MAINTENANCE FEE**

Mail Stop Petitions
Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

I am writing to request a refund of the maintenance fee paid on U.S. Patent No. 7,154,214 under 37 C.F.R. §1.377.

On June 21, 2010, our office attempted to pay the maintenance fee for U.S. Patent No. 7,159,214. However, due to clerical error, the maintenance fee for U.S. Patent No. 7,154,214 was paid instead. Our office faxed the Office of Finance the same day, asking for a refund. The Maintenance Fee Branch acknowledged our request in a letter dated June 25, 2010, but informed us via a letter dated June 30, 2010 that we would have to address our request to the Office of Petitions instead.

Enclosed as **Exhibit A** is a copy of our original fax request along with the fax confirmation. Enclosed as **Exhibit B** is a copy of both letters from the Office of Finance.

As the maintenance fee for U.S. Patent No. 7,159,214 was subsequently paid, I respectfully request a refund of the payment of \$980 to **our Deposit Account No. 50-3001**, or alternatively, to the credit card account which was charged at the time the payment was made, rather than for the payment to be transferred from U.S. Patent No. 7,154,214 to U.S. Patent No. 7,159,214.

In accordance with 37 C.F.R. 1.377 and 37. C.F.R. §1.17 (g), the petition fee of \$200 is enclosed. However the Commissioner is hereby authorized to charge Deposit Account No. 50-3001 should it be determined that any additional fee is required.

Please address any questions or comments to the undersigned

Dated: 7/8/2010

By: 

Kathleen L. Connell
Reg. No.: 45,344

Kathleen L. Connell
KYOCERA INTERNATIONAL INC.
P.O. Box 928289
San Diego, California 92192-8289
Direct Dial: (858) 882-2169
Direct Fax: (858) 882-2485

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No.: (571) 273-8300) on July 8, 2010.



(Signature)

Stephanie Tinsley

(Typed or Printed Name of Person Faxing Paper or Fee)

JUL-08-2010(THU) 13:32

P. 004/009

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Exhibit A

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JUL 08 2010

Stephanie Tinsley
Kyocera International, Inc.
10300 Campus Point Dr
San Diego, CA
(858) 882-1980

facsimile transmittal

To: USPTO Office of Finance, Refund Branch Fax: 571-273-6500

From: Stephanie Tinsley, Kyocera International, Inc. Date: 6/21/2010

Re: Refund of Maintenance Fee Payment Pages: 1

CC:

☒ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes:

Dear Sir/Madam:

I would like to request a refund for the Maintenance Fee payment of \$980 for US Patent No. 7,154,214 made on June 21, 2010. The reason for this request is that this maintenance fee was paid by mistake when I was trying to pay the maintenance fee for US Patent No. 7,159,214.

Please feel free to contact me at my direct line, (858) 882-1980, should you have any questions about this refund request.

Best regards,

Stephanie Tinsley

JUL-08-2010(THU) 13:33
JUN-21-2010(MON) 13:48

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P. 006/009
P. 001

JUL 08 2010

Transaction Report

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Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
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Stephanie Tinsley
Kyocera International, Inc.
10300 Campus Point Dr
San Diego, CA
(858) 882-1980

facsimile transmittal

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Best regards,

Exhibit B



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JUL 08 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

June 25, 2010

STEPHANIE TINSLEY
KYOCERA INTERNATIONAL INC.
10300 CAMPUS POINT DR
SAN DIEGO, CA 92121
US

Dear Sir/Madam,

This is to acknowledge receipt of your refund request for 7154214 in the amount of \$980.00.

Your request has been forwarded to the MAINTENANCE FEE BRANCH for review.

To inquire about the status of your refund request, please call 571-272-6342.

Please allow four weeks from the date on this letter prior to your inquiry.

Thank you,

MAINTENANCE FEE BRANCH

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

JUL 08 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Chief Financial Officer

June 30, 2010

KYOCCRA INTERNATIONAL, INC.
ATTN: STEPHANIE TINSLEY
10300 CAMPUS POINT DRIVE
SAN DIEGO, CA 92121

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JUL 19 2010

OFFICE OF PETITIONS

Dear Ms. Tinsley:

We regret to inform you that your refund request received on 06/21/2010 in the amount of \$980.00 covering the maintenance fee for patent number 7154214 cannot be authorized. Please see the reason(s) noted below.

- ☐ The time allowed for requesting a refund has expired. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee (37 CFR 1.28(a)). The three-month period is not extendable under 37 CFR 1.136.
- ☐ A change of purpose after payment of a fee will not entitle a party to a refund of such fee (37 CFR 1.26(a)). When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d) (MPEP 607.02).
- ☐ The refund request must be submitted by the original party that paid the fee, which is , and must be filed within one month from the date of this letter.
- ☒ Other. The Receipts Accounting Division cannot authorize this refund. Please contact the Office of Petitions at 571-272-3282 for further assistance.

Please contact Kieu Tran at (571) 272-6322 if you have any questions concerning this letter.

Sincerely,

Terry Hooper
Receipts Accounting Division
Office of Finance

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PL 001/009

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

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Re: Request for Refund of
Maintenance Fee Payment
Under 37 C.F.R. §1.377JUL 19 2010
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